

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ENRIQUE AGUILAR-VALENCIA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C18-0359-JCC

ORDER

This matter comes before the Court on the Government's motion to seal (Dkt. No. 13) two exhibits (Dkt. Nos. 14-1, 14-2) filed in support of its response (Dkt. No. 12) to Petitioner's 28 U.S.C. section 2255 petition (Dkt. No. 1). The Court hereby GRANTS the motion (Dkt. No. 13) for the reasons explained herein.

The Court starts from the position that "[t]here is a strong presumption of public access to [its] files." W.D. Wash. Local Civ. R. 5(g). This presumption applies particularly to "dispositive pleadings." *Kamakana v. City and Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). To overcome this presumption, there must be a "compelling reason" for sealing that is "sufficient to outweigh the public's interest in disclosure." *Id.* The Government seeks to maintain two documents under seal: a declaration made by Petitioner's trial counsel regarding their communications in the underlying criminal case, and Petitioner's presentence investigation report ("PSR"). (Dkt. No. 13 at 2.) The Government states that both documents contain sensitive

1 information that should be withheld from the public. (*Id.*)

2 Petitioner's counsel made the subject declaration after the Court ordered a limited waiver
3 of the attorney client privilege in order to assess Petitioner's claim for ineffective assistance of
4 counsel. (Dkt. No.11.) The declaration provides a detailed account of attorney-client
5 communications. (*See* Dkt. No. 14-1.) The confidentiality of those communications represents a
6 compelling reason to maintain the declaration under seal, which outweighs the public's right to
7 access. Petitioner's PSR should also be exempted from public disclosure. The PSR was filed
8 under seal in the underlying criminal case and contains sensitive personal information about
9 Petitioner. *See United States of America v. Enrique Aguilar-Valencia*, No. CR15-0202-JCC, Dkt.
10 No. 304 (W.D. Wash. 2017). Therefore, the Government has demonstrated a compelling reason
11 to seal the PSR that outweighs the public's interest in its disclosure.

12 For the foregoing reasons, the Government's motion to seal (Dkt. No. 13) is
13 GRANTED. The Clerk is DIRECTED to maintain Document Numbers 14-1 and 14-2 under seal.

14 DATED this 6th day of August 2018.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE